

REMARKS

In view of the above amendments and following remarks, favorable consideration of the present application is respectfully requested.

Claims 32-33 have been cancelled and claim 34 has been newly added. Accordingly, claim 34 is currently pending in this application. No new matter has been added.

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter of previous claim 32. This objection is rendered moot due to the cancellation of claim 32. The features contained in newly added independent claim 34 are supported by at least Figs. 12A-12B and the description thereof at pages 27-28 of the specification.

Claim 33 was rejected under 35 U.S.C. 112, first paragraph, due to an alleged failure of the specification to provide a written description of "said administrative information including at least one of a recording and reproducing condition of the optical recording medium" fails to comply with the written description requirement. Applicants respectfully traverse this rejection. Page 28, lines 14-19 of the specification states "...the administrative information of the optical recording medium 122 can be reproduced with the spherical aberration correction means still in the initial state". Page 29, lines 27-31 clearly states that spherical aberration is corrected "...before the recording or reproducing." Thus, the feature of the administrative information including at least one of a recording and reproducing condition of the optical recording medium is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 32 was rejected under 35 U.S.C. 102(e) as being anticipated by Kashiwagi (USPN: 6,175,548) for the reasons contained in paragraph 3 on page 3 of the Office Action.

The rejection is moot in view of the cancellation of claim 32. Applicants do not acquiesce to the rejection. Claim 34 is neither disclosed nor suggested by the reference for the reasons that follow.

According to an embodiment of the present invention of claim 34, an optical recording medium has first and second recording layers on which signals are recorded or reproduced with a laser beam having a wavelength of 390nm to 420nm, the first recording layer having recorded

thereon administrative information of the optical recording medium including at least one of a recording and reproduction condition of the optical recording medium, and a distance from a surface of the optical recording medium on which the laser beam is incident to the first recording layer is $100\mu\text{m} \pm 10\mu\text{m}$. This is illustrated, as an example, in Figure 12A of the present application.

By providing the administration information including at least one of a recording and reproduction condition of the optical recording medium on the first recording layer located $100\mu\text{m} \pm 10\mu\text{m}$ from the laser beam incident surface of the multi-layer optical recording medium, the administration information of the optical recording medium can be reproduced without requiring a determination of whether the optical recording medium set in a recording/reproduction apparatus is a single layer optical recording medium or a multi-layer recording medium (see Fig. 12A and page 27, line 30 to page 30, line 11 of the present specification). The Kashiwagi reference neither discloses nor suggests the aforementioned features or the advantages resultant therefrom.

Page 4 of the Office Action stated, "It seems that administrative information is merely information recorded in one of the layers of the disk, and Kashiwagi record in any layer any kind of information." The Applicants respectfully submit that this position is unreasonable and unsupported. The administrative information is not just any information recorded on any layer of the disk as alleged by the Examiner, but rather is specified as defining at least one of a recording and reproduction condition of the optical recording medium and is specified as being provided on the first recording layer located at a distance of $100\mu\text{m} \pm 10\mu\text{m}$ from the laser beam incident surface of the multi-layer optical recording medium. The Kashiwagi reference does not disclose administrative information including at least one of a recording and reproduction condition of the optical recording medium being recorded on a first recording layer located a distance of $100\mu\text{m} \pm 10\mu\text{m}$ from the laser beam incident surface of the multi-layer optical recording medium, as required by claim 34.

The Examiner is respectfully reminded that as a basis for applying a rejection under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or inherently. For the reasons set forth above, the Applicants submit that the Kashiwagi reference fails to either explicitly or inherently teach every aspect of claim 34 of the present application.

In view of the foregoing, it is submitted that the present invention, as recited in newly added independent claim 34 is clearly allowable and the Examiner is kindly requested to promptly pass this case to issuance.

In the event, however, that the Examiner has any comments or suggestion of a nature necessary to place this case in condition for allowance, then the Examiner is kindly requested to contact the Applicant's representatives to expedite allowance of this application.

Respectfully submitted,

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